

**FILED  
SCRANTON**

APR 20 2015

Per JK  
DEPUTY CLERK

Melissa-Claire, Fredericks.

General Delivery, Luzerne County, Union of the States

**DISTRICT COURT OF THE UNITED STATES, MIDDLE DISTRICT OF  
PENNSYLVANIA**

UNITED STATES OF AMERICA,  
Plaintiff,

V.

MELISSA C. DIANA, et. al, *in  
personam*

Defendant.

Melissa-Claire, Fredericks.,

secured party

CASE NO: 3:13-cr-00173-RDM

**NOTICE OF NOTICE OF  
RELEASE AND  
TERMINATION OF COUNSEL  
and REVOCATION OF POWER  
OF ATTORNEY**

Date: 04-20-2015

**NOTICE OF NOTICE OF RELEASE AND TERMINATION OF  
COUNSEL and REVOCATION OF POWER OF ATTORNEY**

**TO THE HONORABLE CLERK OF THE DISTRICT COURT OF THE  
UNITED STATES, MIDDLE DISTRICT OF PENNSYLVANIA AND ALL  
PARTIES IN INTEREST:**

**YOU AND EACH OF YOU PLEASE TAKE NOTICE THAT** on the date  
and time above, named defendant MELISSA C. DIANA filed a **NOTICE OF  
RELEASE AND TERMINATION OF COUNSEL.**

1       **WHEREFORE** Notice is to be taken on the above-mentioned writings, by the  
2 Clerk of this District Court of The United States, and all parties of record.

3  
4 Done this 20<sup>th</sup> day of April 2015.

5 Further Affiant Sayeth Naught,

6 L/S: MELISSA C DIANA

7 By: Melissa-Claire, Fredericks.  
8 Melissa-Claire, Fredericks.  
9 secured party

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1 Melissa-Claire, Fredericks.  
2 General Delivery, luzerne county, union of the states  
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5 **DISTRICT COURT OF THE UNITED STATES, CENTRAL DISTRICT OF**  
6 **PENNSYLVANIA**

7 UNITED STATES OF AMERICA,  
8 Plaintiff,  
9

10 V.

11 MELISSA C. DIANA, *et. al., in*  
12 *personam,*

13 Defendant.

14 Melissa-Claire, Fredericks.,

15 secured party  
16

CASE NO: 3:13-cr-00173-RDM

**NOTICE OF RELEASE AND**  
**TERMINATION OF COUNSEL**  
**and REVOCATION OF POWER**  
**OF ATTORNEY**

Date: April 20, 2015

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19 **NOTICE OF RELEASE AND TERMINATION OF COUNSEL and**  
20 **REVOCATION OF POWER OF ATTORNEY**  
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1                   **-NOTICE OF RELEASE AND TERMINATION OF COUNSEL and**  
2                   **REVOCATION OF POWER OF ATTORNEY-**  
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4 **COMES NOW**, named defendant MELISSA C. DIANA by and through the  
5 undersigned secured party to hereby notice this Court actually and constructively,  
6 of the release and termination of the said named defendant's counsel of record  
7 Attorney(s) John B. Dempsey and Patrick A. Casey of Myers, Brier & Kelly, LLP,  
8 located at 425 Spruce Street, Suite 200, Scranton, Pennsylvania 18503.  
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10 **STATEMENT OF FACTS**

- 11       1. That the Said Release, Termination and Revocation is to take effect  
12       immediately.
- 13       2. That the named defendant Noticed said former Counsel of said Release and  
14       Termination of Counsel and Revocation of Power of Attorney by hand-  
15       delivery and e-mail on April 20, 2015. (See Exhibit A-"Notice of Release  
16       and Termination of Counsel and Revocation of Power of Attorney" herein  
17       incorporated and attached herein as if fully re-stated by this reference).
- 18       3. That from the date of mailing as stated above, the secured party shall be free  
19       from any legal disability and competent to handle her own affairs as a  
20       private realtor.
- 21       4. That the release and termination of counsel and revocation of power of  
22       attorney is supported by federal regulation at [20 C.F.R. 404.1905] and this  
23       Court shall take Mandatory Judicial Notice of said federal regulation in  
24       pursuance and reliance upon F.R.C.P. Rule 201.
- 25       5. That the Clerk of this Court is hereby directed to correct the record to reflect  
26       said release and termination of counsel and revocation of power of attorney  
27       with regard to the named defendant in the above referenced instant action,  
28

1 and to release secured party of any/all liabilities with regard to the named  
2 defendant.

3 **WHEREFORE** Notice is to be taken on the above-mentioned facts, by the  
4 Clerk of this District Court of The United States, and all parties of record.

5 Done this 20<sup>th</sup> day of April 2015

6 Further Affiant Sayeth Naught,

7 L/S: MELISSA C DIANA

8 By: Melissa-Claire, Fredericks.  
9 Melissa-Claire, Fredericks.  
10 secured party

1                   **DECLARATION and VERIFICATION OF Melissa-Claire, Fredericks.**

2  
3                   **IN SUPPORT OF NOTICE OF RELEASE AND TERMINATION OF**  
4                   **COUNSEL AND REVOCATION OF POWER OF ATTORNEY**

5 luzerne county                   )  
6   )sa.  
7 union of the states                   )

8 I, the undersigned declare that I am of the majority as secured party with regard to  
9 named defendant's property and:

10 1.       The matters stated in this declaration in support of this Notice of Release and  
11 Termination of Counsel and Revocation of Power of Attorney are true of my own  
12 knowledge and belief except as to those matters stated on information and belief,  
13 and as to those matters I believe them to be true.

14 2.       I have personal knowledge of the matters set forth within this declaration  
15 and if called upon as a witness, I could and would competently testify as to each of  
16 the matters herein.

17 3. I reserve the right to supplement or amend as necessary.

18 I declare under penalty of perjury without the "United States" that the foregoing is  
19 true and correct.

20 Executed this 20th day of April 2015, at Luzerne County, Pennsylvania.

21 All Rights Reserved, Without Prejudice

22 By: Melissa-Claire, Fredericks.  
23 Melissa-Claire, Fredericks., secured party

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<i>Lackawanna</i>	<b>JURAT</b>
luzerne county                   )	
)sa.	
union of the states                   )	
Subscribed (and/or affirmed) to before me a notary public on this Day, the <u>20</u> day of April 2015, by Melissa Claire, Fredericks., who proved to me on the basis of satisfactory evidence to be the woman who appeared before me.	
By: <u>[Signature]</u> Notary Public	
COMMONWEALTH OF PENNSYLVANIA	
NOTARIAL SEAL	
LORI L. SOSA, Notary Public	
City of Scranton, Lackawanna County	
My Commission Expires September 15, 2015	

**CERTIFICATE OF SERVICE**

**Documents served:**

- Notice of Notice of Release and Termination of Counsel and Revocation of Power of Attorney
- Notice of Release and Termination of Counsel and Revocation of Power of Attorney and Exhibits
- Declaration and Verification of Melissa-Claire, Fredericks. in Support of Notice of Release and Termination of Counsel and Revocation of Power of Attorney.

**NOTICE TO THE AGENT(s) IS NOTICE TO THE PRINCIPAL(s) - NOTICE TO THE PRINCIPAL(s) IS NOTICE TO THE AGENT(s).**

On April 20, 2015, I, the undersigned, with all rights and remedies reserved, did affix his autograph to the above said documents listed above, and served the said documents listed above by personally filing one original and two (2) true and correct copies with the Clerk of the District Court of the United States, Middle District of Pennsylvania, and by placing a true and correct copy thereof enclosed in a sealed envelope with postage fully prepaid for deposit by Federal Express, addressed to the following recipient(s) as follows:

John B. Dempsey & Patrick A. Casey (hand-delivered and <sup>fax</sup>email)  
Myers, Brier & Kelly, LLP  
425 Spruce Street, Suite 200  
Scranton, Pennsylvania 18503

AUSA Wayne Samuelson (<sup>fax</sup>email and fedex)  
Herman T. Schneebeli Federal Building  
240 West Third Street  
Williamsport, PA 17701-6465

Executed this 20th day of April 2015, at Luzerne County, Pennsylvania.

All Rights Reserved Without Prejudice

By: Melissa-Claire Fredericks  
Melissa-Claire, Fredericks., secured party

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## **Exhibit-“A”**



**NOTICE OF RELEASE AND TERMINATION OF COUNSEL and REVOCATION OF  
POWER OF ATTORNEY**

April 18, 2015  
Myers, Brier & Kelly, LLP  
425 Spruce Street, Suite 200  
Scranton, Pennsylvania 18503

To: John B. Dempsey & Patrick A Casey:

Mr. Dempsey & Mr. Casey, This letter shall serve as actual and constructive notice that you are hereby released from any obligation and or contract to litigate on behalf of the registered organization MELISSA C DIANA and/or to administrate the estate of the same, effective immediately.

I, the undersigned who has attained the age of majority at a date eighteen years from the date of organization as above-referenced, the secured party with regard to any/all property, proceeds and supporting obligations of said registered organization MELISSA C DIANA whose security interest was duly perfected by delivery on April 23, 1972 hereby revoke the Power of Attorney dated on or around September 10, 2013 under which John B. Dempsey & Patrick A. Casey (agents) were granted the power to act on behalf of said registered organization. Effective immediately, John B. Dempsey & Patrick A. Casey (agents) are no longer authorized to act as attorney-in-fact for the said registered organization in any capacity. This Notice and the delivery thereof shall serve as prima facie evidence of the undersigned's attainment of majority and any/all administration of the estate of the same without the express written authenticated consent of the undersigned shall be deemed fraud and any/all transfers, assignments, pledges and/or otherwise shall be deemed void ab initio.

All Rights Reserved, Without Prejudice

L/S: **MELISSA C DIANA**

By: Melissa-Claire, Fredericks, secured party

Melissa-Claire, Fredericks.  
General Delivery, luzerne county, union of the states

Encl: Affidavit of Mailing  
Cc: AUSA Wayne Samuelson

**AFFIDAVIT OF MAILING**

**-Acceptance by Recipient(s) Acknowledged by Delivery Thereto-**

The undersigned, being duly sworn and acting in good faith in his official capacity, under penalty of perjury without the United States, certifies that the original enclosures as listed below and a copy of the foregoing was served by mailing the same to the addresses indicated below, by Courier with Delivery Confirmation before 5:00 p.m. on April 20, 2015.

By Melissa-Claire Fredericks

Melissa-Claire, Fredericks.

General Delivery, Luzerne County, Union of the States

**Mailed To the following Addressee's;**

John B. Dempsey & Patrick A. Casey (<sup>fax</sup>e-mail and hand-delivered)  
Myers, Brier & Kelly, LLP  
425 Spruce Street, Suite 200  
Scranton, Pennsylvania 18503

AUSA Wayne Samuelson (<sup>fax</sup>e-mail and fedex)  
Herman T. Schneebeli Federal Building  
240 West Third Street  
Williamsport, PA 17701-6465

State of Pennsylvania )  
County of ~~Luzerne~~ <sup>Lackawanna</sup> ) sa.

Subscribed, affirmed and acknowledged before me,

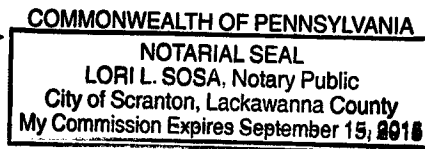
Lori L. Sosa

a Notary Public in and for the State of Pennsylvania.

WITNESS My Hand and Seal Below

By: [Signature] Notary Public.

Notary Seal>>>



**AFFIDAVIT OF SERVICE**

CASE # 3:13-cr-00173 USDC-MIDDLE DISTRICT OF PA

USA V. DIANA

For: melissa-claire, Fredericks. secured party

To be served upon:

John B. Dempsey and Patrick A. Casey c/o Myers Brier and Kelly LLC

I, HAYDN S. EVANS, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action.

I delivered the following documents to MBK Law Offices located at 425 Spruce Street Suite 200 Scranton, PA 18503 on April 20, 2015 at 12:20 p.m.

Documents received by:

Print Name


Signature

Documents:

Letter of Termination of Counsel & Affidavit of Mailing (2 Pages)

Notice of Release and Termination of Counsel and Revocation of Power of Attorney (8 Pages)

Original Non-Statutory Abatement (6 Pages)

<b>JURAT</b>	
lackawanna county )	
)sa.	
union of the states )	
 Subscribed (and/or affirmed) to before me a notary public on this Day, the <u>20</u> day of April 2015, by HAYDN S. EVANS who proved to me on the basis of satisfactory evidence to be the man who appeared before me.	
By:  Notary Public	
SEAL>>> COMMONWEALTH OF PENNSYLVANIA NOTARIAL SEAL LORI L. SOSA, Notary Public City of Scranton, Lackawanna County My Commission Expires September 15, 2015	

HAYDN S. EVANS

DATE

4/20/15

Refused to sign  
12:20 PM  
4/20/15